

IN THE CLAIMS

Please amend the claims as follows:

14. (amended) A camera comprising:

a plurality of optical elements; and

a lens barrel movable along an optical axis between and including a plurality of photographic positions and at least one position in which no photograph can be taken, and

wherein when said lens barrel is in one of said plurality of photographic positions, all of said optical elements are positioned along the optical axis, and when said lens barrel is in said at least one position in which no photograph can be taken, at least one optical element of said plurality of optical elements is positioned out of the optical axis, and at least another optical element of said plurality of optical elements is positioned along the optical axis, such that at least a portion of said at least one optical element and at least a portion of said at least another optical element are positioned along a common plane which is generally perpendicular to the optical axis.

23. (amended) A camera comprising:

a plurality of imaging elements; and

a lens barrel movable along an optical axis between and including a plurality of photographic positions and at least one position in which no photograph can be taken, and

wherein when said lens barrel is in one of said plurality of photographic positions, all of said imaging elements are positioned along the optical axis, and when said lens barrel is in said at least one position in which no photograph can be taken, at least one imaging element of said plurality of imaging elements is positioned out of the optical axis, and at least another imaging

I24986.A08

element of said plurality of imaging elements is positioned along the optical axis, such that at least a portion of said at least one imaging element and at least a portion of said at least another imaging element are positioned along a common plane which is generally perpendicular to the optical axis.

STATEMENT OF SUBSTANCE OF INTERVIEW

Applicant wishes to express his appreciation to Examiners Villecco and Garber for the interview of March 8, 2005. During the interview, Applicant's representative, Attorney William Boshnick, spoke to the Examiners concerning the rejected claims of the present invention.

With respect to the provisional statutory double patenting rejection, Attorney Boshnick proposed canceling claims 1-13 from copending application 10/815,193 in order to overcome this rejection.

With respect to the provisional non-statutory double-patenting rejection of claims 14-31 in view of claims 14-31 of copending application 10/815,193, Attorney Boshnick proposed submitting a terminal disclaimer once all of the claims of both applications have been indicated to be allowable.

With respect to the rejection of claims 14, 17, 19, 22, 23, 26, 28 and 31 under 35 U.S.C. § 102(b) in view of U.S. Patent No. 4,597,657 to WAKABAYASHI, Attorney Boshnick argued that WAKABAYASHI did not teach or suggest at least the features of “at least a portion of said at least one optical element and at least a portion of said at least another optical element are positioned along a plane which is generally perpendicular to the optical axis” (as claimed in independent claim 14) or “at least a portion of said at least one imaging element and at least a portion of said at least another imaging element are positioned along a plane which is generally perpendicular to the optical axis” (as claimed in independent claim 23). Specifically, Attorney Boshnick argued that the two elements 114, 174 (as shown in, *e.g.*, Fig. 10) of WAKABAYASHI are positioned along different planes that are generally perpendicular to the optical axis. The Examiners countered that, in the independent claims, the limitation of two

I24986.A08

elements being “positioned along a plane which is generally perpendicular to the optical axis” could be interpreted to mean that each of the two elements is positioned along its own plane which is generally perpendicular to the optical axis. While Attorney Boshnick countered that one skilled in the art would readily understand from reading the claims that the only reasonable interpretation of the limitation “positioned along a plane which is generally perpendicular to the optical axis” is that the elements are positioned along the same (or common) plane, Attorney Boshnick agreed, solely in order to expedite the prosecution of the present application, to amend claims 14 and 23 to more clearly recite that the elements are along the same (or common) plane. The Examiners indicated that they agreed that such an amendment would overcome the applied WAKABAYASHI reference. Thus, in accordance with the Interview, Applicant has amended herein claims 14 and 23 to more clearly recite that the elements are along a common plane.